Revenue (194) Department.

1950.

Ms. SERIES.

G.O. NO. 281

Dated 1st February 1950

[Despatch Abstract.]

Land - (South Kanara) - Kumki lands within 100 yards belt of the Reserve Forest boundary - Improvements and assignment - Permission Discretion given to Collector.

Back Papers

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	1450	Rev	6-8-45				
Ms.	742		26-3-47.				
"	2769		11-12-42				
"	1167		20-5-42.				
Pun	3167		13-12-38				
Ms	679		15-3-39				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

REVENUE DEPARTMENT

Subject.

ASSIGNMENT - Land - (South Kanara) - Land within the belt of the reserved forest boundary - 100 yards rule - Relaxation - Orders clarification requested.

Reference No. B. 6737/47-2

Station: Madras

Dated 14-11-1947.

From

T.M.S. Mani Esq., O.B.E., I.C.S.,
Secretary. Board of Revenue, Madras.

S. Ranganathan Esq., O.B.E., I.C.S.,
Commissioner of Land Revenue & Commercial Taxes.

READ:- 1. From the Collector of South Kanara, Ref. C.No. 10830-47-B-5 dated 29-8-1947.

I invite a kind r[illegible] G.O. Nos. Ms. 1450 Revenue dated 6-8-1945 and Ms. 742 Revenue dated 26-3-47, which deal with the assignment of land within the 100 yards belt of reserved forests in the South Kanara District.

2. According to the former G.O. no land within the belt of 100 yards can be assigned and no encroachments can be made within that area. The Collector was empowered only to ignore longstanding cases of occupation which were considered to be unobjectionable after consulting the District Forest Officer. It is clear from this that the intention of the Government was to prohibit all encroachments and assignments whether Kumki or non-Kumki within the 100 yards belt. But G.O. No. Ms. 742 Revenue dated 26-3-47, which was issued in modification of G.O. No. 1450 Revenue dated 6-8-45, and the previous orders on the subject, gives discretion to the Collector in the matter of giving effect to the rule that a belt of 100 yards should be left unassigned between the reserved forest and the land to be assigned in this District. The G.O. also lifts the ban against effecting improvements in the lands which form the Kumki belt of wargdars. The effect of this concession is that the wargdars concerned will effect improvements in the kumki belt and apply for its assignment. The G.O. does not make it quite clear whether the intention of the Government is to apply the concessions only to kumki lands within the 100 yards belt. But no distinction between kumki and non-kumki lands has been made in the G.O. But in view of the last sentence of the G.O. removing specially the ban on improvement of Kumki lands and the general ban on the assignment of all non-kumki lands, the doubt arises whether only kumki lands within the 100 yards belt may be excluded from the ban and assign. But this interpretation is not free from doubt as the G.O. does not, as stated above, make any distinction between kumki and non-kumki lands within the buffer area.

3. I, therefore request that clear instructions may be issued whether the Collector can use his discretion in respect of both kumki and non-kumki lands within 100 yards of the Reserve Forests and whether all kumki lands within such limits have to be assigned.

instructions on the following two points, viz.

(1) whether he can ~~xx~~ use the discretion given to him in G.O. No. Ms. 742 Revenue dated 26-3-47 in respect of the assignment of both Kumki and non-kumki lands within 100 yar of the Reserved Forests

and (2) whether in view of the last sentence of G.O. No. Ms. 742 Revenue dated 26-3-47 all kumki lands within the 100 yards belt have to be assigned.

2. Point (1): The general ban against the permanent assignment of lands is still in force. The ban has been lifted only in respect of Kumki lands. The ban still in force in respect of non-kumki lands applies also to non-kumki lands within the 100 yards belt and the Collector has no power to assign such lands under the discretion allowed to him. His discretion can be used only in respect of ~~xxxxkxxx~~ kumki lands. Until the general ban is lifted, he cannot assign non-kumki lands.

3. Point (2):- The Collector's point is whether he should assign all kumki lands in which the wargdars have carried out improvements or whether he can use his discretion and reject the applications in cases where he considers the assignment objectionable even though the applicants have carried out improvements to the lands by virtue of their kumki right. It has been pointed out that to reject such applications will work hardship to the wargdars. At the same time to allow the applications in all cases would render the rule regarding the maintenance of the 100 yards belt more or less a dead letter. It is not known whether the Government have considered this aspect of the question when they removed the ban against effecting improvements in their Order Ms. No. 742 Revenue dated 26-3-47. It is proposed to address the Government in the matter. It has been suggested as a solution of the difficulty that it may be ruled that wargdars making improvements on kumki lands within the 100 yards belt should apply to the Collector for permission to make the improvements before they actually make them, so that the Collector may exercise his discretion at the very first instance, and accord permission only in unobjectionable cases Assignments may be made in all cases where the Collector's permission has been previously obtained. In ~~xkx~~ cases where previous permission has not been obtained the Collector may reject the applications for assignment. The Collector is requested to offer his remarks on this suggestion.

3) From the Collector of South Kanara, Ref. C.No. 10830/47-B5 dated 30-10-47.

Ref: Board's Ref. No. B. 6737/47-1 dated 15-10-47.

I support the suggestions made at paragraph 3 of the Board's Reference cited above. This would mean that no buffer area should be improved without the Collector's permission. It is therefore suggested that the order may run in the form that no land within 100 yards from the Reserved forests, either Kumki or non-Kumki, should be improved upon by anybody without obtaining the previous permission of the Collector.

REFERENCE.

Submitted to the Government.

2.

2. With reference to the suggestion in para 3 of the Board's Reference cited above the Collector suggests in his letter second ~~xxx~~ cited above that it may be ordered that no land within 100 yards from the Reserve Forests boundary, either kumki or non-kumki, should be improved upon by anybody without obtaining the previous permission of the Collector. As, however, G.O. No. Ms. 742 Revenue dated 26-3-47 refers only to improvements in the lands which form the kumki belt of wargdars and does not refer to non-kumki lands, the Board considers that the suggestion need not be adopted for non-kumki lands. As regards improvements on kumki lands the Board submits that the suggestion in para 3 of its Reference cited above may be given effect to and it may be laid down that wargdars making improvements on kumki lands within the 100 yards belt should apply to the Collect for permission to make the improvements before they actuall make them so that the Collector may exercise his discretion at the very first instance and accord permission only in unobjectionable cases. Assignments may be made in all cases where the Collector's permission has been obtained previousl In cases where previous permission has been obtained ~~xxxxxxxx~~ the Collector may reject the applications for assign ment. The Board requests that suitable orders may be passed in the matter

FOR SECRETARY

To The Secretary to Government, Revenue Department.

15/4 PBS 15/11.

Memorandum No.7171 F/47-2 dated 27.4.48

Assignment--Land--(South Kanara)--Land within the belt of the reserved forest boundary--100 yards rule--Relaxation--Orders--Clarification.

From the Board of Revenue, Ref.No.B-6737/47-2 dated the 14th November, 1947.

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A copy of the Board's reference cited above together with its enclosures is forwarded to the Chief Conservator of Forests.

2. A question has been raised whether the discretion given to the Collector in G.O.Ms.No.742, Revenue dated 26-3-1947 in regard to the maintenance of the 100 yards belt between reserved forest and the land to be assigned should extend to the assignment of non-kumki lands also, and if not, whether the Collector can be given discretion to assign such lands. This would appear to raise the general question whether there should invariably be a belt of 100 yards between reserved forest and private lands The C.C.F. is ~~reported~~ requested to offer his remarks on this point.

3. As regards the Board's suggestion that wargdars should take the Collector's prior permission for effecting improvements on the kumki lands within 100 yards belt, it has been suggested that such a procedure would fetter the rights of wardars. It has however been pointed out on the other hand that the use of Kumki land is a privilege or licence and not a right, and that if the land in question is Government land, it is always open to Government to insist on their prior permission being taken before effecting any improvement on the land. In the light of these observations the Chief Conservator of Forests is requested to offer his remarks whether it is necessary for the Government to insist

on the Kumkidar taking the prior sanction of the Government before effecting improvement on Kumki lands.

Kum
22/1/48

26/1/48

To

The C.C.F., Madras.

dpd
29-1-48

ER sent on 20.4.48 1/6

Remarks on 10.5.48 3/7

RH on on

FOREST DEPARTMENT, MADRAS.
Refce.No.2324/48-D1, dated 11-3-1949

From

M.Kesavan Unni Nayar Esq., I.F.S.
Chief Conservator of Forests,
Egmore, Madras (8).

To

The Secretary to Government,
Revenue Department,
Fort St.George, Madras.

Sir

SUBJECT:-ASSIGNMENT - Land - South Kanara - Land within the belt of the Reserved Forest boundary - 100 yards rule relaxation Orders - Clarification.

Reference:-Government Memo.No.7171 F/47-1, Revenue dated 27-1-48.

In G.O.No.MS.1450 Revenue dated 6th August 1945 Government after careful consideration directed that no further assignment of land within the belt of 100 yards in South Kanara District be made by the Collector. The Collector was however given the power to ignore longstanding cases of occupation by encroachmen which he considered to be unobjectionable after consultation with the District Forest Officer, and the Collector was also directed to see that no further encroachment was made within the 100 yards belt. The question arose in connexion with several encroachments already made and while such encroachments were most objectionable, Mr.W.G.Dyson then Chief Conservator of Forests supported the recpmmendation of the Board, which was at best a compromise. Government however in G.O.MS.No.742 Revenue dated 26th March 1947 modified their previous orders to the extent that the Collector of South Kanara was given the discretio in the matter of giving effect to the rule that a belt of 100 yards should be left unassigned between the reserve forest and the land to be assigned. These orders applied obviously to both Kumakies and non-Kumakies. Government also directed that the general ban imposed in the past against effecting improvements in the lands which form the Kumaki belt of warkdars be removed. While issuing these orders it does not appear that the Chief Conservator of Forests was consulted. The direction given to the Collector in G.O.No.MS.1450 Revenue dated 6th August 1945 that the Collector should see that no further encroachment was made within the 100 yards belt was not cancelled by G.O.No.MS.No.742 Revenue dated 26th March 1947 and Government accepted in principle that the 100 yards belt should be maintained in South Kanara District as far as practicable.

2. At the outset it may be stated that Kumaki lands are Government wastelands in which certain privileges have been admitted to the holder of the warg lands. A clear definition will be found in Rule 7 A of the General Rules for the management of Reserved and Unreserved lands framed under Section 26 of the Madras Forest Act on page 111 of the Madras Forest Manual Volume I. A perusal of these rules will show that Kumakies are intended primarily to benefit the agricultural lands to which Kumaki privileges are attached and that they should be strictly conserved as a forest. There is not the least suggestion that Kumaki lands are available for assignment. Their sole purpose is to serve agricultural or domestic needs and the whole

(P.T.O

object of conserving Kumakies would be defeated if the kumaki lands are turned over for the cultivation of commercial crops.

3. It very often happens that many kumaki lands fall within 100 yards belt of a Reserved Forest. The maintenance of such a belt is particularly needed in South Kanara. The total land area of the District is 4,021 sq.miles and yet the Reserved Forests comprise only 791 sq.miles. These Reserved Forests are valuable timber forests on the western ghats and are the catchments of many rivers and streams. The protection of these forests assumes exceptional importance and presents special problems and difficulties in South Kanara where the tendency is to push forward cultivation towards the Reserve boundary. And when such cultivation is extended, there is agitation to shift the reserve boundary on grounds of health, damage to crops by wild animals etc. This agitation is not of recent origin. It has been in existence in the past and it continues to the present, when the Province as a whole is deficient in forest area and is also short of timber forests, for supplying the essential needs of the people and also for the development of industries, the anxiety of the Forest Department on possible chances of encroachment into the Reserves, can be appreciated.

4. There can be no valid objection if improvements of Kumaki lands mean planting trees so as to preserve their integrity as a forest. But in almost all cases of encroachment, what has happened is that seeds of areca, cashew or jack are sown scattered and allowed to grow unnoticed by local subordinates and after some 10 years or so, a claim is established in favour of assignment on the ground that the improvements made are valuable. Most of these encroachments are in Kasargod taluk and in the last 25 years or so, very many assignments have been made resulting in the disappearance of Kumakies.

5. The preservation of the forests is now receiving increasing recognition by Government especially the part they play in the general economy of the country and in relation to agriculture in particular. I will not advocate any deviation from this policy. I suggest therefore that the orders issued in G.O.No.MS. 1450 Revenue dated 6th August 1945 should be restored.

for Chief Conservator of Forests

Copy to Secretary to Government, Development Department, Madras, with a copy of Government Memo.No.7171 F/47-2 Revenue dated 27-1-48.

Enc:-One.

DKS/12.3.

Revenue Department.

Read again:- G.O.Ms.No.1450, Revenue, dated 6-8-1945
G.O.Ms.No.742, Revenue, dated 26-3-47

Read also:- From the Board of Revenue, B.6737/47-2 dated 14-11-1947
Memo No.7171-F/47-2, Revenue, dated 27-1-1948
From the C.C.F., letter No.2324/48-D1 dated 11-3-1949.

G.O.MS.NO. 281 DATED 1/2/50

In G.O.Ms.No.742, Revenue, dated 26-3-1947 the Government lifted the ban against effecting improvements in the lands which form the kumki belt of wargdars in the South Kanara District and the Collector was given discretion in the matter of giving effect to the rule that a belt of 100 yards should be left unassigned between the reserve forest and the land to be assigned. The Collector of South Kanara has reported that the effect of the concession in the above G.O. is that the wargdars concerned will effec improvements in the kumki belt and apply for its assignment and he has raised the point whether ~~the concession is applicable only to kumki lands and that whether kumki lands within the 100 yards belt may be excluded from the ban and assigned.~~ he can use his discretion in respect of both kumki and non kumki lands in the reserve forests. The Board of Revenue has recommended that wargdars making improvements on kumki lands within the 100 yards belt should be required to obtain the previous permission of the Collector so that the Collector may exercise his discretion at the very first instance and accord permission only in unobjectionable cases. The Government have examined the question in consultation with the C.C.F. ~~The Government~~ and they accept the recommendation of the Board of Revenue. ~~and direct that wargdars making improvements on kumki lands within the 100 yards belt in the South Kanara District should obtain the previous permission of the Collector so that the Collector may exercise his discretion whether the improvement is objectionable or not at the very first instance and accord permission only in unobjectionable cases.~~ Assignments may be made in all cases where previous permission has been obtained. In cases where the previous permission

of the Collector has not been obtained, applications for assignment may be rejected. These instructions do not apply to non-kumki lands.

To the Bd.of Rev.
with a copy of
Memo and C.C.F's
lette
To C.C.F. thro' Devt
Copy to Dev.Dept.
3 scs.

Revenue Department.

ASSIGNMENT - Land (South Kanara) - Land within the belt of the reserved forest boundary - 100 yards rul Relaxation - Orders clarification - Requested.

From the Board of Revenue Reference No.B.6737/47-2 dated 14th November 1947.

To A.S.

Please see the Board's reference in the C.F.

2. Two points have been raised by the Collector

(1) whether he can use the discretion given to him in G.O.No.Ms.742 Revenue, dated 26-3-1947 in respect of the assignment of both Kumki and non-kumki lands within 100 yards of the Reserved forests; and

(2) whether in view of the last sentence of G.O.No. Ms.742 Revenue, dated 26-3-1947 all kumki lands within the 100 yards belt have to be assigned.

Point (1). The Board considers that as the ban on permanent assignment is still in force in respect of non-kumki lands, the Collector cannot assign non-kumki lands. The question is not whether immeidate assignment can be made or not, but it is whether the Collector can in his discretion allow encroachments with the 100 yards belt. The orders in G.O.No.742 Revenue, dated 26-3-47 and the notes of late H.M.(Revenue) on pp 3-7 N.F., of the G.O. on which the G.O. was based may be read. It will be seen from the notes that in accepting the Board' commendation in para 3 of its reference on p 3 C.F. G.O. 1450 Revenue, dated 6-8-1945, the intention of e Government was that the Collector should be given d etion in the matter of giving effect to the 100 yards le when dealing with each case of encroachment. If e Collector considers that the encroachment is uh- jectionable, he may allow it and take up the question assignment after the ban is lifted. The late H.M. Revenue) sent for me and spoke to me before issuing rders and the impression gained by me was that each en

croachment in the 100 yards belt should be decided on merits. whether the land concerned was kumki or non-kumki land]. For orders.

Point (2):- The Board takes the view that wargdars desirous of making improvements on kumki lands with the 100 yards belt should apply to the Collector for permission to make the improvements before they actually make them, so that the Collector may exercise his discretion at the first instance and accord permission only in unobjectionable cases, that assignments may be made in cases where Collector's permission has been previously obtained and that in cases where previous permission has not been obtained the Collector may reject the application for assignment. When orders were passed in G.O.No.742 Revenue, dated 26-3-1947, it was the intention of the Government that the wargdars should be given free land in effecting improvements in the lands which form the kumki belt of wargdars - Please see the late H.M's note at pp 4-5 and 7 N.F., of G.O. at (d). We considered that the rights of the Wargdars in the kumki lands as an inherent right of the ~~wargdars~~ and that the Forest or any other department should not ~~obstruct~~ object unnecessarily to the ~~normal~~ annual exercise of these rights on lands which form the kumki belt of wargdars. The Board's suggestion, if accepted, would better the ~~normal~~ annual exercise of the rights of wargdards over kumki lands. For orders.

The file may be sent to Development for remarks before circulation.

2.12.47

Point (1) above. The orders in G.O. No 742 Rev dt 26.3.47 are clear in so far as Kumaki lands are concerned. If it is the intention that the Collr's discretion should extend to Non Kumaki lands also, the question becomes a general one as to whether there should be a belt between Reserved forests &

and the other areas invariably and if not whether the Collr can be given discretion to assign such lands. The remarks of Dev are be invited.

A

Point (2). ~~Whether~~ Whether wargdars should obtain permission of Collr to effect improvements. Please see the Offi note on p 2 above. The late HH's intention would appear to be that wargdars should have right to effect improvements on the (within 100 yds belt) Kumaki lands. A provision requiring them to take Collr's permission for this purpose would be fettering their rights. It is for orders whether they will therefore be allowed full rights to effect improvements without taking the permission of the Collr.

M

4-5 days time

rather than Legal dept. Legal may advise

10.12.47

2/ The file might be sent to Dev for remarks.

6.12.47

Dept/Legal

Secy no. 71-71/47-I
(10.12.47)

123041

Devle (W)

Notes from p1 above may be read. The file has been sent to this dept. with Dept. ref to A on pp 2-3 above. The Rev. Dept. may be requested to consult the C.E.D. on this point. That Dept. may however be requested to let this Dept. see the case again after C.E.D's remarks are received. (passed on to Dev with those remarks the file may be sent to Legal dept.)

ASSISTANT SECRETARY 3 JAN 1948 LEGAL DEPARTMENT

S/A

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nomo: 123041 cyp/47

23.12.47

16.12.47

LEGAL DEPARTMENT

For a description of kumki lands and the privileges attached thereto, please see pages 117-118 and 129-130 of Mascarenhas Law of Land Tenures in South Kanara. The use of kumki lands is a privilege or licence, and not a right, and if the land in question is Government land, it is always open to Government to insist on their prior permission being taken before effecting any improvements on the land. However custom and practice play a prominent part in these matters and it is a question of policy for the Government to decide whether the Board's suggestion should be accepted or not. The views of the C.C.F. may be obtained before pursuing the question further.

7.1.48 S. [illegible] Rev Dev

To A.S Rev. Dept.

Legl note 36/48-1
8.1.48.
1899 F
JAN 1948
F2

please see Dev. and Legal notes from Page 3 onwards.

2) In para 60 on P 40 of the Special Settlement officers' Proposals, he has stated that Kumaki land is defined as Govt Waste land within 100 yds of assessed lands included in Wargs formed in or before fasli 1276. and over which the Wargdar enjoys. Certain Privileges of grazing Cattle, cutting wood, fire wood, Collecting leaves etc, for his own agricultural and domestic purposes. Kumaki land will be deemed to be effectively occupied when it has been brought under cultivation has been

G.O 1416 of 1927-30 at (4) Part of 5

occupied as house-site, planted with trees classed as garden Products at resettlement or otherwise reduced into exclusive possession, but land round which walls have been built merely for the purpose of facilitating the exercise of the normal Kumaki Privileges will not be deemed to have been effectively occupied. Effective occupation in Kumaki land will be liable to assessment at the ordinary dry, wet or garden rates

3 It is however submitted that the views of the C.C.F. may be obtained in the first instance, as suggested by Dev. and Legal. A draft memo is submitted for approval

20.1.48.
20/1/48

It appears clear that Kumaki land is Govt land. The CCF may however be Consulted. The draft memo is for approval

26/1/48

Issued as memo no. 7171 F/47-2 dtd 27-1-48

from the C.C.F. reference no. 2324/48-D dtd 11-3-48

To US.

Please see the notes from page 1 above.

2. In G.O. No.3167 Revenue Dated ~~13-12-38~~ 13-12-1938, the Government issued a general order (applicable to all districts) that the assignment of land (A)

should not be made right up to the boundary of reserved forest but that a belt of vacant land two or three chains wide should be left unassigned between the reserved forest and the land to be assigned and that the occupation of this vacant land should be discouraged and effectively prevented. But under the practice obtaining in the South Kanara district in the matter of assignment of lands adjoining reserved forest in that district, a belt of vacant land of 100 yards (about 4½ chains) in width has to be left between the boundary of the reserved forests and the lands to be assigned. On the recommendation of the Board of Revenue in its reference No.i 3103/42-2 dated 11-11-42, orders were issued in G.O. Ms 2769 Rev. dated 11-12-42 that in accordance with the practice in the South Kanara district, a belt of land 100 yards wide should be left unassigned between the boundary of the reserved forest and the land to be assigned and B.S.O. 15-35 (111) was accordingly amended.

para 2 p203
S.O. 2769 (S) 11.12.42

pp 1-2 (S)

Page 51 of BSO 15-35 B.R. No 125

3. In 1944 the Board pointed out that the maintenance of the 100 yards rule ~~is~~ was impracticable and ~~cannot~~ could not be insisted on and that the Collector of South Kanara should be allowed discretion in the matter of giving effect to the 100 yards rule as each case of encroachment ~~will~~ would have to be decided on its merits. The Government considered that the relaxation of the rule would encourage further encroachments. They therefore directed that no further assignment of land within the belt of 100 yards be made by the Collector. He was however given the power to ignore longstanding cases of occupation by encroachment which he considered to be unobjectionable

pp 2-3 (R)

after consultation with the Dt. Forest Forest Officer. The Collector was also directed that no futher encroachment was made within the 100 yards, belt.

At the instance of Sri K.R. Karanth, the then Revenue Minister orders were issued in G.O. No.742 Rev. Dated 26-3-47 in modification of orders in G.O. No.1450 Rev. dated 6-8-45. and the previous orders on the subject, giving the the Collector of South Kanara discretion in the matter of giving effect to the rule that a belt of 100 yards should be left unassigned between the reserve forest and the land to be assigned in the South Kanara district The Government also directed that the the general ban imposed in the past continued in G.O. No.1450 Revenue dated 6-8-45 against effecting improvements in the lands which form the Kumki belt of wargdars be removed.

The Collector of South Kanara wants instructions on the following two points:-

1) whether he can use the discretion given to him in G.O. Ms. No742 Rev. dated 26-3-47 in respect of the assignment of both Kumki and non-kumki lands within 100 yards of the reserved forest

2) whether in view of the last sentence of G.O. No.Ms. 742 Rev. dated 26-3-47 all kumki lands within the 100 yards belt have to be assigned.

The Board of Revenue has issued instructions in regard to point (1). As regards point 2, the Board has suggested that it may be ruled that wargdars making improvements on kumki lands within the 100 yards belt should apply to the Collector for permission to make the improvements before they actually make them, so that the Collector may exercise his discretion at the very first instance and accord permission only in unobjectionable cases and that assignments may be made in all cases, where the Collector's permission has been previously obtained and that in cases where previous permission has not been

obtained the Collector may reject the applications for assignment. In this connection attention is invited to the legal notes on p. 4 ante. It does not seem necessary that all kumki lands

It will be seen from Sri K. R. Karanth's notes on pages 3-6 and page 7 n.f. of G.O. Ms. No. 742 Rev. dated 26-3-47 that he wanted normal exercise of Kumki rights on lands which formed the kumki belt of wargdars. Mr. Karanth referred to only kumki lands. It therefore appears that the orders giving discretion to the Collectors in G.O. Ms. No.742 Rev. dated 26-3-47 was only in respect of kumki lands within 100 yards of the reserved forests. ~~Evidently~~ (with ref legal no the C Conc R) easons stated ~~in~~ paras 2-4 of his letter, the C.C.F. suggests that the orders in G.O. Ms. No:1450 Rev. dated ~~6-8-45~~ should be restored. If the suggestion of the C.C.F. is ~~accepted~~, it appears that the normal exercise of the wargdars over the kumki lands would be affected. It is therefore for orders whether this Department may agree with the Board's suggestion ~~at~~ para 2 of its reference on page 3 c.f.

Mr. Karanth has since sent a memorandum for the revision of the forest policy in South Kanara. Dev. Deptt propose to obtain the remarks from the C.C.F. in consultation with the Board of Revenue. It seems unnecessary to await the decision of the Government on that memorandum for orders to issue in this file. Development may see for remarks if

Legal may also see again

1.9.47 Dev Legal

90270

Dev: Dept

(This Department's previous note on page 3 above)

Please see notes from page 4 above. This file has been sent to this Department for remarks

on the question (i) whether the C.C.'s suggestion ~~that~~ that the orders in G.O. No 1450 Rev., Dt 6.8.1945 ~~for~~ banning the assignment of ~~Kumiki~~ lands within the belt of 100 yards of Reserved ~~Forests~~ boundaries in South Kanara Dt. may be restored ~~with~~ or

(ii) whether the Board's suggestion in para 2 of its reference on p 3 c.f that assignment may be made in all cases where the Collector's permission has been obtained previously for making improvements to the land and then in other cases applications for assignment may be rejected.

The C.C.F. has urged the acceptance of his suggestion for the reasons detailed in paras 2-4 of his letter on pages 5-6 c.f. But the Rev. Dept. have pointed out that if his suggestion is accepted, it would appear that the normal exercise of the ~~carg~~ wargdars over the Kumiki lands would be affected. In view of this difficulty Rev. Dept. propose to accept the Board's suggestion referred to in item (ii) above. It is for consideration whether this Dept will agree with Rev. as whether the C.C.'s suggestion will be supported. Orders

After orders are passed the file may be passed on to Legal Dept.

12.9.[illegible] | We may support the Chief Conservators view. For orders.

[illegible] 9.[illegible]

yal

cattle, cutting firewood, collecting leaves, etc. for agricultural and domestic purposes. Paragraph 60 of the Resettlement Report of the South Kanara district recognizes that kumki lands might be effectively occupied

in Go. MS No. 742 Rev & 26.3.47; and

(2) The Board of Rev recommends that with reference to the orders in Go. 742 Rev & 26.3.47 the wargdars making improvements on Kumaki lands within the 100 yards belt should obtain the previous permission of the Collector & that he may exercise this discretion at the very first instance and accord permission only in unobjectionable cases. Assignments may be made in all cases where the Collectors previous permission has been obtained and refused in cases where previous permission has not been obtd.

3. Dept. Dept. Support the suggestion of the Cof in para 2(1), above. Legal and this Dept. consider that the course suggested by the Board of Rev is preferable. Orders are solicited as to which of the suggestions will be accepted.

17.4.49

15/10/49.

This dept may suggest that the orders in para 2 of Go MS 742 Rev & 26.3.47 need not be modified. The Board's proposals re the execution of improvements on Kumaki lands by wargdars may also be approved.

22/10/49 DS

10/11/49

14/11

20/11

Htm (LR)

Htm (Proln)

H.P.V.

Let Proceedings from Board of Revenue and Land Revenue Director be called for.

3.49

To AS

With reference to the orders in circulation on p 11 ante, a draft order is subd. below for approval. Dept. may see before issue.

4/1/50

11-1-50

Letter 4.1.50

12/1/50

Dept Rev no 7171/G-7-11

12.1.50

Dev. Dept.

To A.S. This Depn. saw this case previously on pp 8-9 above ~~May be perused and returned to Rev. dept~~.

KSP 20.1.50. Further notes from the bottom of p 9 above, and the orders in circulation at the bottom of page 11 above and the draft below may be perused and the file may be returned to Rev.

23.1.50.

28/1/50 Rev

Dev. o. 4099-12

24.1.50

ADDITIONAL ASST. SECRETARY TO GOVERNMENT 28/1 5959 F REVENUE DEPARTMENT

Rev. dept.

To A.S.

The draft order may issue.

31-1-50

Letter 28.1.50.